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Book Reviews

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The Laws and Liberties of Massachusetts. Reprinted from the copy of the 1648 Edition in the Henry E. Huntington Library. With an Introduction by Max Farrand. Cambridge: Harvard University Press. 1929. Pp. ix, 59.

The majority of state codes are unwieldy in size, dry as dust in fact and rarely ever interesting to others than those locally or professionally concerned. It must be an uncommon code indeed to be reviewed in legal publications all over the country with the assurance that readers everywhere will welcome its appearance. Just this is true of *The Book of the General Lauues and Libertyes* of Massachusetts recently reprinted by the Harvard University Press from the original 1648 edition now in the Henry E. Huntington Library at San Marino, California. Except for a few photostat copies the California copy was the only one in existence until the reprint was made. Students in history and law made pilgrimages across the continent to dig into its wealth of facts. This folio volume of 59 pages is as near like the old book, word for word, mistakes and all, as similar type can made it. It is markedly clearer and more legible than the original as can be judged by the few photostat facsimile pages interspersed in the reprint. These show the print of the first copy to be blurred and so dim as to be uninviting.

The value of this modern edition to researchers is obvious when it is known that this "was the first attempt at a comprehensive reduction into one form of a body of legislation of an English-speaking country." And more—not only is it the backbone of all subsequent Massachusetts law and government but many other states recognize in it the foundation of some of their principal laws.

But it is more than a reference book. It would be hard to imagine a person with interests so circumscribed as not to be piqued by this book that frames a perfect picture of our Puritan fathers who lived in an era directly antipodal to ours. Drawn in a time when Church and State were one, the whole document is permeated with pious phrases, the flavor is religious, and the language is dignified and stilted as suits a body of laws whose tap root was sunk in the Magna Charta and bottomed in the "Iudiciall lawes of Moses." The first sentence of the preamble begins, "So soon as God had set up Politicall Government"; the last reads "So help you God in our Lord Jesus Christ."

The laws are arranged in alphabetical order. Under "Capital Lawes" is found "If any man or woman be a WITCH, that is, hath or consulteth with a familiar spirit, they shall be put to death." Besides this there are laws punishing by death those who practice "Idolatrie" and "Poysoning," those who "Blaspheme," and those who commit "Murther." After each capital law is given a reference to the Pentateuch. One law calls to mind the penalty paid by Hester Prynne in The Scarlet Letter: Any one showing contempt of God's Word a second time "shall either pay five pounds . . . ; or stand two hours openly upon a block or stool, four foot high on a lecture day with a paper fixed on his breast written in Capital letters 'AN OPEN AND OBSTINATE CONTEMNER OF GOD'S HOLY ORDINANCES.'" Another is amusing when considered as one of the liberties. It ordered, "No Indian shall at any time powaw, or performe outward worship to their false gods: or to the devil."

Nor were their schools and Church separate. The Trustees and those in authority at Harvard College were given the right to "make and establish all such orders, statutes, and constitutions, as they shall see necessary for the instituting, guiding and furthering of the said Colledge . . . in Pietie, Moralitie & Learning."

Some queer customs are reflected in this Code. In elections "for the yearly choosing of Assistants . . . in stead of papers the Freemen shall use indian corn and beans . . . the indian corn to manifest election, the beans for blanks." For cause, they said, a man "may be tortured" and "no man shal be beaten with above fourty stripes for one Fact at one time."

The original of this book of laws is one of rare superlatives. It is one of the first books printed in America, one of the first law books printed in the Colonies, and the first attempt at codification in this country or the Mother Country. The nearest analogue in North Carolina is Swann's Revisal published in 1751 and covering laws from 1715 to the time the book was printed. It was the first book printed in North Carolina, the first law book printed in the state, and the first printed revisal of the laws of North Carolina. Like the Massachusetts book, it can be said of this North Carolina book that "it is the corner stone of the history of the state and of her domestic literature."

In a library, the shelving of this book presents a problem. Its rightful place is among the old Massachusetts laws that are seldom used, but the temptation is to take it out of its proper classification and place it on the shelf with books that are in constant circulation.

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Proceedings of the Thirty-First Annual Session of the North Carolina Bar Association. Edited by H. M. London, Secretary. Raleigh: Edwards & Broughton Company, 1929. Pp. 276.

This recently issued volume of the proceedings of the 1929 Bar Association meeting makes possible a review of outstanding accomplishments for its thirty-first year of activity. Similar current reports from other states indicate the desirability of an appraisal from the standpoint of what kindred organizations are doing elsewhere.

Perhaps the greatest achievement of the meeting was the embodying into a tactical move an attitude that the Association has evinced on the matter of legal education and the examination of applicants since 1903. A definite stand was taken by a resolution favoring the examination of applicants by a Board of Examiners created by law, and a further resolution was passed to the effect that the Supreme Court be memorialized to set aside a day for a hearing on the matter of standards of legal education at which all interested parties should be invited by publication to appear. Doubtless this action was the result of the recommendation of the Committee on Legal Education and the address of its chairman, President A. B. Andrews, a cogent argument for improved standards supported by a wealth of convincing statistics.

The other committees were apparently less active. The one on Grievances reported the adoption by the Legislature of two of three recommended measures concerning procedure for disbarment. The one on Incorporation of the Bar emerged from quiescence only long enough to indorse the anticipated address of President Gurney E. Newlin of the American Bar Association, while the Committee on Legislation and Law Reform limited itself to a survey of recent statutory changes in the nature of a transcript of the report in the June issue of this review.

The sum total of the questions engaging the attention of the North Carolina body is small in comparison with the measures agitated by other Associations, and the type of measure discussed is correspondingly of a more restricted scope. By way of contrast Illinois, New York, and Texas, arbitrarily selected, are sponsoring such measures as judicial rule making, incorporation of the bar, the formation of Judicial Advisory Councils, and the creation of systems of regularly appointed representatives to press through the Legislatures measures recommended by the Associations. This suggests that our Association might profitably direct its attention to the question of judicial

rule making. The experience of Illinois demonstrates that an early start is expedient. In that state the enabling statute failed, although the system adopted to push it through was a paragon of organization, and the Association for the time being had to fall back on the alternative of a Judicial Advisory Council. These states are showing a livelier interest in bar incorporation. Our committee on this matter should bestir itself into activity. A plan for organized support of the proposed amendment to enlarge the Supreme Court might also be considered.

The most heated debate of the meeting centered on a proposal to have an enlarged Executive Committee recommend and take action on candidates for judgeships. The objection of injecting the Association into politics defeated the proposal, but a special committee was appointed to give it more extended study. This plan seems to have worked well in New York and elsewhere. Reflection on the matter would therefore seem timely.

It is pleasing to note the constructive and practical tenor of the addresses in the current issue—on Legal Education, Workmen's Compensation, and Bar Incorporation. Probably this represents a trend away from the traditional historical or inspirational address, which, it may be hazarded, would be a propitious change.

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